

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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CHOICE CONSTRUCTION, INC.,

Case No. 2:12-cv-00192-MMD-PAL

Plaintiff,

ORDER

v.

JMR CONSTRUCTION CORP., et al.,

Defendants.

Before the court is the parties' Joint Interim Status Report and Stipulation and Request for Order to Extend Discovery and Related Deadlines (Third Request) (Dkt. #59).

The complaint in this case was filed in state court and removed (Dkt. #1) February 6, 2012. The initial discovery plan and scheduling order (Dkt. #18) established an August 20, 2012, discovery cutoff and related deadlines consistent with LR 26-1(e). Thereafter, Defendant JMR Construction Corp. ("JMR") requested and received a stay of proceedings pending the outcome of the case filed in the Federal Court of Claims. The district judge found the related cases was inextricably intertwined with counterclaims asserted in this case, and a stay was appropriate to avoid potential inconsistent judgments and in the interests of judicial economy. The district judge also found that the balance of hardships favored staying the proceeding. The court therefore stayed all proceedings in this case until the Federal Claims Court issued a final decision in *JMR Construction v. United States*, 1:11-cv-00187. The Order (Dkt. #35) directed the Defendant to file status reports regarding the progress of the Federal Court Claims case for three months until the matter was finally decided.

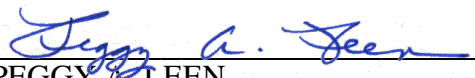
On April 1, 2015, Plaintiff Choice Construction, Inc. ("Choice") filed a Motion to Lift Stay (Dkt. #55) because JMR and the United States reached a final settlement of the case pending in the Court of Claims and anticipated the action would be dismissed by a stipulation in

1 the near future. The district judge granted the motion and the stay was lifted on April 8, 2015.  
2 *See* Order (Dkt. #58). No discovery has been conducted in the three years this case was stayed.  
3 The parties conducted a Rule 26(f) conference on March 30, 2015, and a supplemental 26(f)  
4 conference on April 29, 2015. The parties stipulated to a 180-day discovery cutoff, measured  
5 from the date of the April 29, 2015, Rule 26(f) conference.

6 The court granted the parties' stipulation. However, the parties' stipulation did not  
7 outline the specific discovery needed to prepare this case for trial. The parties' joint status report  
8 and stipulation also did not address how the settlement between JMR and the United States  
9 influenced the outcome of this case which was stayed based on arguments the cases were  
10 inextricably intertwined. Given the age of this case, the parties are advised that they are unlikely  
11 to receive any extensions and should immediately initiate the discovery needed to prepare this  
12 case for trial.

13 **IT IS ORDERED** that absent compelling circumstances and a strong showing of good  
14 cause that the discovery could not be completed within the extended time allowed, no extensions  
15 will be granted.

16 DATED this 18th day of May, 2015.

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19 PEGGY A. LEEN  
20 UNITED STATES MAGISTRATE JUDGE  
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